

**Unapproved**

**SALEM ZONING BOARD OF APPEALS**  
**August 27, 2009**

Present: Balavender, G., Alt.  
Bellandese, K. - arrived at 7:44 pm  
Cole-Chu, L.  
Diamond, S. - arrived at 7:44 pm  
Kozlowski, S., Alt.  
Mullin, M.  
Nortz, R.

Absent: Vacancy, Alt.

Guest: S. Miller

**CALL TO ORDER:**

L. Cole-Chu, chairman, called the meeting to order at 7:41 pm.

**SEATING OF ALTERNATE(S):**

M/S/C (Mullin/Nortz) to seat S. Kozlowski for S. Diamond and G. Balavender for K. Bellandese. Vote: approved unanimously.

**PUBLIC HEARING(S):**

- 1) #09-6 S. & M. Miller, 65 Witter Road, Salem CT 06420  
Request for a variance of Section 4.4.2 of the Salem Zoning Regulations (MINIMUM SETBACKS for accessory STORAGE building) from fifteen (15) feet from the side lot line to five (5) feet requested for construction of a storage building.  
Assessor's Map #22; Lot #42-1 65 Witter Road

Legal Notice read.

K. Bellandese and S. Diamond arrived at the meeting.

All Certificates of Mail received  
as per the Regulations.

S. Miller, applicant, appeared:  
Would like to construct a twenty-two (22) ft. by ten (10) ft. storage building for tools and wood five (5) feet from the property line.

The proposed building site is adjacent to the access way to the lot behind his home.

Placing the shed further into his property would interfere with the septic system and the usefulness of the backyard.

The chair read page 2 of application #09-6 into the record, as it was missing from the members' packages.

Public Comments:

There were no public comments>

After review of the plan submitted, the Board took the following action:

M/S/C (Kozlowski/Nortz) to close the public hearing on application #09-6 of:

S. & M. Miller, 65 Witter Road, Salem CT 06420

Request for a variance of Section 4.4.2 of the Salem Zoning Regulations (MINIMUM SETBACKS for accessory STORAGE building) from fifteen (15) feet from the side lot line to five (5) feet requested for construction of a storage building.

Assessor's Map #22; Lot #42-1

65 Witter Road

Vote: approved unanimously.

Board discussions in regard to hardship for this application:

- The applicant's reasons for the placement of the shed in this particular site do not meet the definitions of hardship as they relate to the State Statutes concerning Zoning Boards of Appeal.
- There are alternative sites on the property upon which a shed could be placed.

M/S/D (Mullin/Nortz) to approve application #09-6 of:

S. & M. Miller, 65 Witter Road, Salem CT 06420

Request for a variance of Section 4.4.2 of the Salem Zoning Regulations (MINIMUM SETBACKS for accessory STORAGE building) from fifteen (15) feet from the side lot line to five (5) feet requested for construction of a storage building.

Assessor's Map #22; Lot #42-1

65 Witter Road

Vote: For approval - No one. For denial - Balavender, Cole-Chu, Kozlowski, Mullin, and Nortz. Abstentions - none.

MOTION DENIED.

**RECEIPT OF APPLICATION(S) TO SET PUBLIC HEARING DATE(S):**

The were no applications for which to set public hearing dates this evening.

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

- 1) **June 25, 2009 - Regular Meeting** (tabled from 7/23/09)
- 2) **July 23, 2009 - Regular Meeting**

M/S/C (Mullin/Balavender) to approve the minutes of the June 25, 2009 and the July 23, 2009 Regular Meetings of the Salem Zoning Board of Appeals as presented.

Vote: For approval - Balavender, Kozlowski, Mullin, and Nortz. For denial - no one. Abstaining - Cole-Chu.

MOTION CARRIED.

**OLD BUSINESS:**

1) **Election of Officers**

S. Kozlowski and G. Balavender stepped down.

S. Diamond and K. Bellandese resumed  
their seats on the Board.

M/S (Nortz/Bellandese) to nominate L. Cole-Chu for chairman of the Salem Zoning Board of Appeals for the remainder of 2009.

M/S/C (Mullin/Diamond) to close nominations for chairman. Vote: approved unanimously.

M/S (Bellandese/Diamond) to nominate R. Nortz for vice chairman of the Salem Zoning Board of Appeals for the remainder of 2009.

M/S/C (Bellandese/Diamond) to close nominations for vice chairman. Vote: approved unanimously.

Discussion ensued as to whether the Board should have a secretary, since they have not had one for quite some time.

It was the Board's consensus that a secretary could be the one to review applications for completeness and advise applicants in regard to the rules and regulations governing a Zoning Board of Appeals.

M/S (Diamond/Nortz) to nominate M. Mullin for secretary of the Salem Zoning Board of Appeals for the remainder of 2009.

M/S/C (Bellandese/Diamond) to close nominations for secretary. Vote: approved unanimously.

M/S/C (Mullin/Diamond) to elect L. Cole-Chu as chairman, R. Nortz as vice chairman, and M. Mullin as secretary of the Salem Zoning Board of Appeals for the remainder of 2009. Vote: approved unanimously.

**2) Such other Old Business as may be proper**

M. Mullin informed the Board:

He had spoken to H. McKenney, Salem PZC chairman, in regard to the seasonal/year-round use matters.

Mr. McKenney told him that the PZC was prepared to appeal the ZBA's decision in regard to the overthrowing of the ZEO's determination of seasonal use of a property in the SR Zone.

The PZC's attorney, S. Byrne, had advised them not to appeal even if the ZBA was wrong because the PZC has their job to do and the ZBA has theirs.

**NEW BUSINESS:**

**1) Discussion - public hearings, setting protocol, and Appeal application form**

M. Mullin had not completed a draft of the Appeal application form for the Board to review.

It was the Board's decision to table this matter to the next Zoning Board of Appeals meeting.

**2) Such other New Business as may be proper**

There was no other *NEW BUSINESS* this evening.

**CORRESPONDENCE/ANNOUNCEMENTS:**

- Workshop notice.

**ADJOURNMENT:**

M/S/C (Nortz/Diamond) to adjourn the meeting at 8:32 pm. Vote: approved unanimously.

D. McTigue, Administrative Assistant/Recording Secretary  
L. Cole-Chu, chairman